

NO. \_\_\_\_\_

IN THE  
COURT OF CRIMINAL APPEALS OF TEXAS  
SITTING AT AUSTIN, TEXAS

FILED  
COURT OF CRIMINAL APPEALS  
1/11/2019  
DEANA WILLIAMSON, CLERK

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THOMAS DIXON,  
Appellant

v.

THE STATE OF TEXAS,  
Appellee

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STATE'S MOTION FOR EXTENSION OF TIME TO FILE PETITION  
FOR DISCRETIONARY REVIEW

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From the Seventh Court of Appeals, sitting at Amarillo, Texas  
Honorable Brian Quinn, Chief Justice, Presiding  
Opinion by the Honorable James Campbell, Justice  
Seventh Court of Appeals No. 07-16-00058-CR  
140<sup>th</sup> District Court No. 2012-435,942, Honorable Jim Bob Darnell, Presiding

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ATTORNEY FOR THE STATE

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**TO THE HONORABLE COURT OF CRIMINAL APPEALS:**

The State of Texas, Appellant, moves the Court to extend the time for filing the State's petition for discretionary review in the above numbered cause and in support shows the Court as follows:

**I.**

On December 13, 2018, the Seventh Court of Appeals, in Cause No. 07-16-00058-CR, styled *Thomas Dixon v. State of Texas*, reversed the judgment of the trial court

on two separate grounds, and remanded the case for a new trial. Neither party filed a motion for rehearing.

## **II.**

The present deadline for filing the State's petition for discretionary review is January 14, 2019. The State has requested no prior extension of time to file a petition for discretionary review. Pursuant to Rule 10.5(b) of the Texas Rules of Appellate Procedure, the State respectfully requests that the Court grant a thirty-day extension of time to file petition for discretionary review so that the State will have sufficient time to complete its petition for discretionary review in the above cause.

## **III.**

The State's request for an extension of time to file its petition for discretionary review is based upon several different matters. During the time to file the State's petition for discretionary review in this case, the undersigned attorney worked on the following Appellate brief: *Anthony Carter v. The State of Texas*, No. 07-18-00043-CR, filed December 19, 2018. The State also filed a response to Appellant's Motion for Bond Pending the Final Determination of His Appeal in this case, *Thomas Dixon v. The State of Texas*, No. 07-16-00058-CR, on December 27, 2018. In addition, the undersigned attorney was out of the office for a previously scheduled vacation from December 23, 2018, through December 28, 2018.

#### IV.

The extension in this cause is necessary for the State to have sufficient time to properly evaluate the entire record, research all issues adequately, and prepare a petition for discretionary review in the above cause. It is not being requested for purposes of undue delay.

**WHEREFORE**, the State respectfully requests that the Court extend the time for filing the State's petition for discretionary review in this cause until February 13, 2019.

Respectfully submitted,

***K. SUNSHINE STANEK***

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State Bar No. 24027884

By: /s/ Lauren Murphree

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#### **CERTIFICATE OF SERVICE**

I certify that on January 10, 2019, a copy of this State's Motion for Extension of Time to File Petition for Discretionary Review was served on opposing counsel, Cynthia Orr, via the State e-filing service. I additionally certify that on this day service

was made via the State e-filing service on Stacey Soule, the State Prosecuting Attorney,  
at [information@spa.texas.gov](mailto:information@spa.texas.gov).

***K. SUNSHINE STANEK***

Criminal District Attorney  
State Bar No. 24027884

By: /s/ Lauren Murphree  
Lauren Murphree